

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**United Bank – 36 9<sup>th</sup> Street North**  
**Columbus, MT**  
**JUNE 14, 2007**

**Commission Members Present:** Steve Doherty, Chairman; Shane Colton, Vice-Chair; Vic Workman; Dan Vermillion; Willie Doll.

**Fish, Wildlife & Parks Staff Present:** Jeff Hagener, Director, and FWP Staff.

**Guests:** See June 14, 2007 Commission file folder for those who signed in.

A Work Session followed this meeting to review the elk management plan and to discuss sheep management guidelines. The Mule Deer Foundation also provided a short presentation.

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of May 17, 2007 Commission Meeting Minutes**
- 3. Approval of May, 2007 Commission Expenses**
- 4. Alberton Gorge Land Exchange-ROW Deed Discharge - Final**
- 5. Young's Point FAS in Region 5 - Endorsement**
- 6. Conservation Easement Donation in the Smith River Area – Endorsement**
- 7. 2007 Moose, Sheep & Goat Quotas – Final**
- 8. 2007 Mountain Lion Quotas – Final**
- 9. 2007 Furbearer Quotas – Tentative**
- 10. 2007 Bison Seasons and Quotas – Tentative**
- 11. Bighorn Sheep Management License Designation – Final**
- 12. 2008 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final**
- 13. Administrative Rule for License Auction Rules – Endorsement**
- 14. Administrative Rule for Hunting License Lottery (Supertag) for Antelope, Bison and Mountain Lion - Final**
- 15. Blackfoot Corridor Habitat Conservation Project Conservation Easements – Endorsement**
- 16. Open Microphone – Public Opportunity to Address Additional FWP Issues**

**1. Opening - Pledge of Allegiance.** Chairman Doherty called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

**2. Approval of May 17, 2007 Commission Meeting Minutes.**

*Action: Workman moved and Vermillion seconded the motion to approve the minutes of the May 17, 2007 Commission meeting. Motion carried.*

**3. Approval of May, 2007 Commission Expenses.**

Workman noted that the statement relative to March travel costs incurred by John Brenden has been accounted for in prior reports. *Action: Workman moved and Vermillion seconded the motion to approve the Commission expenses as presented. Motion carried*

**4. Alberton Gorge Land Exchange - ROW Deed Discharge – Final. Joe Maurier, FWP Parks Division Administrator,** explained that the Alberton Gorge acquisition in 2004 provided for a land exchange between the Department of Natural Resources and Conservation and the Five Valleys Land Trust, in order to move certain lands into public ownership and make School Trust lands available for private purchase. This particular parcel includes a right-of-way deed to FWP for development of parkland and access along the Clark Fork River. This deed has never been used because the parcel is landlocked by private ownership, and access is not available. The adjacent landowner is interested in purchasing this parcel. The Five Valleys Land Trust has agreed to compensate for the right-of-way deed, at appraised value, and direct those funds toward securing alternate recreational lands in Clark Fork Corridor.

*Action: Workman moved and Colton seconded the motion to approve that the Department execute the discharge of the right-of-way deed and seek to identify and secure additional public access and recreational opportunities along the Clark Fork corridor. Motion carried.*

**5. Young's Point FAS in Region 5 - Endorsement. Joe Maurier, FWP Parks Division Administrator,** explained that this 229-acre site, with a mile of river frontage, is located between Park City and Columbus on the north side of the Yellowstone River. It lies in the middle of a 25-mile stretch of quality fishery with no public river access. Across the river is BLM and DNRC land that would provide hunting opportunities. Acquisition of this site has been a priority of FWP for several years. The Department will need to work with Montana Rail Link to secure access across the active railroad line

*Action: Colton moved and Vermillion seconded the motion to endorse the proposal that FWP pursue a potential land acquisition in the vicinity of Young's Point on the Yellowstone River in Stillwater County.*

Chairman Doherty asked for public comment.

John Gibson, Billings Rod and Gun Club, said this area opens up a mile or more for wade fishing. People do not need to have boats, and it is close to Billings so kids can take advantage of this fishing access site too. He said it would be a great acquisition.

*Action on Motion: Motion carried.*

**6. Conservation Easement Donation in the Smith River Area – Endorsement. Joe Maurier, FWP Parks Division Administrator,** explained that the Dennis Washington Corporation generously wished to donate a 240-acre fee-title conservation easement along the Smith River to FWP for recreational use. The site includes land on both sides of the Smith River, and is suitable for one to two boat campsites. Attorney General Mike McGrath “lead the charge” on this acquisition. No acquisition costs are anticipated.

*Action: Workman moved and Doll seconded the motion to approve negotiations with the Washington Corporation to accept their donation of the 240-acre conservation easement on the Smith River.*

Colton expressed appreciation to the Washington Corporation for the generous donation of this conservation easement. Doherty also expressed gratitude to the Washington Corporation, and to Mike McGrath and to Mike Halligan for pursuing this acquisition and making it happen.

*Action on Motion: Motion carried.*

**7. 2007 Moose, Sheep & Goat Quotas – Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief,** presented the wildlife proposals.

**Moose**

One recommended change to the proposed tentatives.

HD 291-00 – increase either sex licenses from 1 to 3 (**addition to adopted tentatives**)

*Action: Workman moved and Colton seconded the motion to approve the final 2007 Moose license quotas as recommended by the Department.*

Chairman Doherty asked for public comment on the proposed change. There was none.

*Action on Motion: Motion carried.*

**Bighorn Sheep**

Three recommended changes to the proposed tentatives.

HD 213-00 – increase either sex licenses from 6 to 8 (**addition to adopted tentatives**)

HD 270-00 – decrease either sex licenses from 14 to 8 (**addition to adopted tentatives**)

HD 270-30 – increase adult ewe licenses from 5 to 10 (**addition to adopted tentatives**)

Workman stated that the public in Region 1 questioned him as to why FWP transplanted sheep rather than issue more tags.

Hagener replied that legislation stipulated a seven-year waiting period and would need to be changed to issue more tags. He added that there are only a few places available in Montana that they could be relocated to within the state.

*Action: Workman moved and Colton seconded the motion to approve the final 2007 Bighorn Sheep license quotas as recommended by the Department.*

Chairman Doherty asked for public comment on the proposed change. There was none.

*Action on Motion: Motion carried.*

**Mountain Goat**

No recommended changes to the proposed tentatives. The cause for the decrease in Mountain Goat populations is being explored. Possibilities include drought and fire.

*Action: Workman moved and Vermillion seconded the motion to approve the final 2007 Mountain Goat license quotas as recommended by the Department. Motion carried.*

#### **8. 2007 Mountain Lion Quotas – Final.**

One recommended change to the proposed tentatives based on public comment  
HD 212/215 – decrease from 4 to 2 male lions (**addition to adopted tentatives**).

Kujala stated that the permit system in Region 1 has received favorable comments from both the public and the regional staff.

*Action: Workman moved and Colton seconded the motion to approve the final 2007 Mountain Lion license quotas as recommended by the Department.*

Colton stated that the new permit system in Region 1 is working. Workman agreed – he said the public is liking it. The original apprehension was due to lion hunters comparing the permit draw to the moose drawing. They were afraid they would never be able to hunt a lion again, but in reality it turned out the opportunities were good. It may tighten in the future, but is working now.

Chairman Doherty asked for public comment on the proposed change. There was none.

*Action on Motion: Motion carried.*

#### **9. 2007 Furbearer Quotas – Tentative.**

Recommended changes made to the 2006 Bobcat and Otter Quotas.

District 5: Bobcat – increase quota from 400 to 500.

District 7: Otter – increase quota from 2 to 4.

*Action: Colton moved and Workman seconded the motion to approve the tentative 2007 Furbearer quotas as recommended by the Department.*

Chairman Doherty asked for public comment.

Minette Johnson, Defenders of Wildlife, asked that the Commission provide further consideration on wolverine trapping. Wolverines are only found in a few states. It is unknown exactly how many there are, but there are not many. Trapping is effecting a negative impact on the wolverine population as they are susceptible to trapping. They reproduce very slowly and cannot sustain the high level of trapping pressure. Trapping regulations are not enough to protect the wolverine. The USFWS will be deciding this year if the wolverine will be considered for listing under the Endangered Species Act.

Vermillion inquired as to the status of wolverines, and asked how many are being trapped.

Brian Giddings, FWP Furbearer Coordinator, said that in 2004 the regulations changed from hunting districts to three more-restrictive management units in response to increased harvest levels. Wolverines are distributed over 30,000 miles, and the average harvest level over the last thirty years is ten. In 2006, 9 were harvested.

Doherty stated that wolverines are indeed susceptible to trapping. Kurt Alt, FWP Region 3 Wildlife Manager, agreed.

Colton stated that this situation needs to be monitored. It is difficult to determine proper action when there may be 100 wolverines or there may be 200 wolverines. That is a 100 percent difference. It is the responsibility of FWP and the Commission to assure the preservation of this species.

Doherty asked when the management study will be finalized for wolverines. Giddings said two papers have been submitted, but the other one will take at least a year.

Doll stated that it was his understanding that Montana is the only state in the lower 48 that allows the trapping of wolverines.

Doherty said since nine wolverines have been taken for quite some time, the average is known. He asked what the population numbers are based on, and Workman asked if the numbers were merely estimates. Giddings said they conduct track surveys.

Vermillion stated that he wants more information on wolverines before he makes a final decision on them.

Doherty questioned the genetics of the population if there are so few animals, and asked about mortality rates due to road kills and other means of death.

Colton said he is not comfortable with the numbers. Just because nine are taken each year doesn't mean there are more out there. It is also a fact that studies have been sabotaged in the past by trapping interests.

Doherty asked about Region 3 bobcats. Kurt Alt replied the region had a meeting with the Montana Trappers Association, and they had asked for an increase of 25 bobcats. Alt said the data that has been collected supports the increase.

*Action: Colton moved and Vermillion seconded the motion to increase the tentative Region 3 Bobcat quota by 25.*

Doherty asked for public comment. There was none.

*Action on Motion: Motion carried.*

*Action: Workman moved and Vermillion seconded the motion to approve the tentative 2007 Furbearer quotas as recommended by the Department. Motion carried.*

**10. 2007 Bison Seasons and Quotas – Tentative.** Quentin Kujala, FWP Wildlife Division Management Bureau Chief, introduced the tentative bison season proposals. Two season packages are proposed for the 2007 season. The Standard Package includes 15 either sex licenses in HD 385 over just three time periods and 25 either sex licenses in HD 395 over the same three time intervals. The Liberal Package potentially adds up to an additional 110 cow/calf licenses (60 in HD 385, 50 in HD 395) incrementally if 60+ bison are identified within a specific district.

This double package is intended to enhance management flexibility to appropriately respond to a wide range of weather conditions and associated bison migration out of Yellowstone National Park. Additionally, an early season (Sep 15 – Nov 14) hunt is proposed for HD385 license holders in the Absaroka-Beartooth portion of the district.

Kujala stated that the season adjustment discussions also prompted internal reconsideration of the bison hunt orientation process. It was proposed that perhaps training/orientation DVDs could be provided to all license holders, and potential license holders, rather than holding training sessions in the regions. Further direction was requested from the Commission on the orientation aspect of the season.

Proposed Regulations:

HD 385 (Gardiner Basin)

385-00: 5 licenses

Nov 15 – Dec 31 Either-sex Bison

(potential to add up to 20 cow/calf licenses if 60+ bison observed in HD)

385-01: 5 licenses

Jan 1 – Jan 22 Either-sex Bison

(potential to add up to 20 cow/calf licenses if 60+ bison observed in HD)

385-02: 5 licenses

Jan 23 – Feb 15 Either-sex Bison

(potential to add up to 20 cow/calf licenses if 60+ bison observed in HD)

HD 395 (West Yellowstone)

395-00: 5 licenses

Nov 15 – Dec 31 Either-sex Bison

(potential to add up to 20 cow/calf licenses if 60+ bison observed in HD)

395-01: 10 licenses

Jan 1 – Jan 22 Either-sex Bison

(potential to add up to 15 cow/calf licenses if 60+ bison observed in HD)

395-02: 10 licenses

Jan 23 – Feb 15 Either-sex Bison

(potential to add up to 15 cow/calf licenses if 60+ bison observed in HD)

Hagener said out of those proposed, sixteen licenses go to Montana tribes. The Nez Perce and Confederated Salish & Kootenai Tribes want to hunt as many bison as the Montana hunters.

Doherty stated that biological justification is important and necessary. What is the total number of animals that can be taken? It is imperative to attain a total number that can be harvested that will not impact the entire herd. He questioned if there is a total number that includes the factors the Department has no control over, and added that there may be two additional Idaho tribes involved as well. There are social concerns and biological concerns that the commission will need to deal with.

Hagener said weather conditions move the bison. He added that all of the bison that came out of the Park last season were shot.

Workman stated that he is in favor of a DVD presentation for bison hunting orientation. FWP could send it to successful licensees, and encourage them to watch it with the warning that if they do not watch it and do not follow proper procedures that result in wasted game, they will be cited. The Department would need to provide access to DVD players at regional offices for those who do not have one.

Doherty said this is an entirely different hunt than hunting elk and deer. People need to know what they are doing. The materials will be provided and people will need to take responsibility to learn proper procedures.

*Action: Colton moved and Workman seconded the motion to adopt the 2007 tentative bison season as proposed by the Department.*

Workman suggested that the option be provided for people to make an appointment with qualified regional staff for an orientation session if they feel the need. He stated he does not like the idea of mandatory orientation sessions.

Doherty replied that the majority of the feedback from the hunters who took the orientation stated that they found it valuable, and were glad they had taken it.

Hagener asked if the intent of the motion was to include orientation.

Discussion ensued as to whether there should be mandatory training or voluntary training, or should there be the option of watching a DVD with or without follow-up or testing, or whether everyone who applies should go through training based on the chance that they might draw a license.

**Ron Aasheim, FWP Communications and Education Division Administrator**, stated that last year orientation sessions were scheduled for specified times. It worked quite well, but required a lot of staff time. Now the concern is that if the forty people who are identified for the hunt come in, what happens with those people that aren't aware that they may hunt until a week prior to the opportunity. The DVD training would also be cost effective for the Department. FWP already has a training DVD, however it will need to be updated if it is to replace existing orientation purposes.

*Action on Motion after lengthy discussion: Colton withdrew his motion.*

*Action: Colton moved and Vermillion seconded the motion to adopt the 2007 Bison season and quotas and that the Department develop a DVD course for bison hunting education to replace the existing mandatory bison education program.*

Chairman Doherty asked for public comment. There was none.

*Motion carried. Four in favor – one opposed (Doherty opposed)*

## **11. Bighorn Sheep Management License Designation – Final.**

No recommended changes to the tentatives.

From the agenda item cover sheet: Hunters who have drawn an either-sex bighorn sheep license have had to by law (MCA 87-2-702) wait seven years before applying for any other bighorn sheep opportunity, including a license to hunt an adult ewe. The seven-year wait, however, has only been applied to those hunters drawing an either-sex bighorn sheep license. No wait has been required of the hunter drawing an adult ewe license, who has been able to continue to apply for an either-sex license or an adult ewe license.

Historically, Montana's ewe licenses are occasionally under-prescribed and sometimes licenses are returned by hunters who actually intended to apply for the bighorn ram opportunity. In addition, while the cost for a ewe license is the same as an either-sex license—\$125 for residents, \$750 for nonresidents—the value hunters place on the opportunity to hunt bighorn rams is considerably higher. As a result, more ewes are available for harvest by hunters, but fewer hunters are interested in this hunting opportunity.

The Montana Legislature recently passed House Bill 38, which would allow the FWP Commission additional flexibility when offering adult ewe licenses as "game management" licenses. This "game management" designation for adult ewe licenses would allow the FWP Commission to:

- offer adult ewe licenses at a reduced price
- offer bighorn sheep hunters the opportunity to obtain an additional an adult ewe license.
- allow hunters who draw an either-sex bighorn sheep license to apply for an adult ewe license.

*Action: Workman moved and Colton seconded the motion to adopt as final the classification of all adult ewe licenses as "game management licenses". Motion carried.*

## **12. 2008 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final.**

No recommended changes to the tentative rules which remained unchanged from last year's rules. State law provides for an auction process to distribute the moose, sheep and goat licenses and an auction/lottery option to distribute the mule deer and elk licenses. To date, organizations have all opted for the auction process to "sell" these licenses for conservation purposes. Legislation requires that at least 90% of the license auction proceeds be returned to FWP, and the organization or individual benefits from the remaining 10% of the license auction proceeds.

*Action: Colton moved and Workman seconded the motion to adopt the final 2008 auction/lottery rules for the moose, sheep, goat, mule deer and elk licenses as proposed by the Department. Motion carried.*

**13. Administrative Rule for License Auction Rules – Endorsement. Quentin Kujala, FWP Wildlife Division Management Bureau Chief,** explained that the auction rules have historically been handled on an annual basis, and inquired if the Commission would consider entertaining an administrative rule instead. If so, the Wildlife Division will develop a rule for Commission review.

Hagener added that the Department now has legislative authority to conduct auctions on grizzly bear licenses and on wolf licenses, so if an administrative rule is developed, perhaps those species should be included at the same time to avoid amending the rule later.

The consensus of the Commission was for the Department to proceed with developing an administrative rule for the auction of licenses.



**14. Administrative Rule for Hunting License Lottery (Supertag) for Antelope, Bison and Mountain Lion - Final.** SB 44 from the 2007 Legislature expanded the lottery of one license each year (87-1-271 MCA) to include wild buffalo or bison; antelope; and mountain lion. 87-1-271 MCA directs the Commission to establish rules regarding how to conduct the lottery, the use of the licenses issued through the lottery, and the price of the lottery tickets. There were no recommended changes to the tentatives. One public comment was received in support of the rule.

*Action: Colton moved and Workman seconded the motion to approve the Administrative Rule for Hunting License Lottery (Supertag) for Antelope, Bison and Mountain Lion. Motion carried.*

**15. Blackfoot Corridor Habitat Conservation Project Conservation Easements – Endorsement.** **Ken McDonald, FWP Wildlife Division Administrator,** explained the project. In 2006, FWP was awarded \$2.7 million by the U.S. Fish and Wildlife Service help carry out the Native Fish Habitat Conservation Plan in the Blackfoot Valley. An additional \$3.8 million was awarded in 2007. FWP proposes to pass these funds through to the Five Valleys Land Trust, who will then acquire conservation easements on 2,888 acres of former Plum Creek Timber Company lands purchased by The Nature Conservancy in 2004, on an adjacent 5,496 acres of private lands owned by the Sunny Slope Grazing Association, and other NFHCP priority lands in the upper Blackfoot. This project is part of the Blackfoot Community Project, aimed at conserving more than 100,000 acres of private land in the basin. The result will be at least 8,384 acres protected under conservation easement. FWP is maintaining an active role in negotiating all easements funded by NFHCP and will retain an interest as a third party enforcer of the easement.

*Action: Workman moved and Vermillion seconded the motion authorize the expenditure of federal Native Fish Habitat Conservation Plan grant monies towards the purchase of conservation easements by the Five Valleys Land Trust on 8,384 acres of Nature Conservancy and Sunny Slope Grazing Association land southwest of Lincoln, Montana. Motion carried.*

**16. Open Microphone – Public Opportunity to Address Additional FWP Issues.** There was none.

Colton suggested, and it was agreed upon, to hold a work session at the July meeting.

Hagener asked if the Commission would like to participate in a field trip in the Dillon area in conjunction with the July Commission meeting. Several sites were suggested, including the bridge site in the Ruby's that is the source of concern. The field trip will be held on July 18.

*Action: Colton moved and Workman seconded the motion to adjourn the meeting. Motion carried.*

Meeting adjourned at 11:30 a.m.